

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MAY 27, 2003  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor Kearsley called the meeting to order at 6:30 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Ed Knight, Interim Planning Manager; Scott Albright, Senior Planner; Sharyl Beebe, Associate Planner; Claudio Sanchez, Interim City Engineer; Richard Calvin, Maintenance Manager; Paul Adams, Parks and Recreation Director and Lisa Pope, City Clerk

**FLAG SALUTE**

Dermot Stoker led the Pledge of Allegiance.

**CLOSED SESSION REPORT**

**Public Comment on Closed Session Items**

None.

City Attorney Hogin reported that the Council met in Closed Session at 5:30 p.m. to discuss the following items:

**Existing litigation per Government Code Section 54956.9 (a):**

1. Chicksands Properties LTD. v. City of Malibu et al.  
Los Angeles County Superior Court Case No. BS072081
2. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)  
Los Angeles County Superior Court Case No. BC230410
3. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)  
Los Angeles County Superior Court Case No. SS011355
4. City of Malibu v. California Coastal Commission (AB988 / LCP)  
Los Angeles County Superior Court Case No. SC074641  
Related cases (city named as a party in interest):
  - a. Rick Appel v. California Coastal Commission  
Case No. SC074658

- b. Ralph Herzig v. California Coastal Commission  
Case No. SS011382
- c. Land Use Preservation v. California Coastal Commission  
Case No. SS011388
- d. Riverview Farm Associates v. California Coastal Commission  
Case No. SS011383
- e. Brian Sweeney v. California Coastal Commission  
Case No. SS011387
- f. Trancas-PCH v. California Coastal Commission  
Case No. SC074640
- g. Tuna Ridge v. California Coastal Commission  
Case No. SC011381
- h. Land Use Preservation Defense Fund v. California Coastal Commission  
Los Angeles County Superior Court Case No. SS011388
- 5. City of Malibu, et al. v. County of Ventura, et al. (Ahmanson Ranch)  
Ventura County Superior Court Case No. CIV 216938
- 6. City of Malibu / Geffen v. Access for All / Coastal Commission et al  
Los Angeles County Superior Court Case No. BC277034
- 7. United States of America ex rel. Darian v. Accent Builders inc. et al.  
United States District Court Case No. 00-10255-FMC(JWJx)
- 8. Keach v. City of Malibu  
Los Angeles County Superior Court Case No. SS009723
- 9. Malibu Township Council v. City of Malibu II (28-car garage)  
Los Angeles County Superior Court Case No. BS079965
- 10. Marine Forest Society v. California Coastal Commission Case No. 00AS00567  
(Sacramento Superior Court) (Amicus)
- 11. Rubens v. City of Malibu  
Los Angeles County Superior Court Case No. SC060331
- 12. Silver v. City of Malibu  
Los Angeles County Superior Court Case No. BS081960
- 13. Sprint v. City of Malibu et al  
United States District Court Case No. SACV02660 DOC (MLGx)
- 14. Sweeney et al v. City of Malibu  
Los Angeles County Superior Court Case No. SS011602
- 15. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu  
Los Angeles County Superior Court Case No. BS0735585
- 16. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu  
Los Angeles County Superior Court Case No. BS072794
- 17. City of Arcadia, et al. v. Regional Water Quality Board, et al.  
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753,  
BS080758, BS080791

**Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):**

- 18. Number of Cases: 2

**Real Estate negotiation matters pursuant to Government Code Section 54956.8:**

19. Property APN: 4458-021-005 and 4458-022-012  
City Negotiator: City Manager Lichtig or designee  
Property Negotiator: Tom Fitzpatrick  
Under Negotiation: Price and terms of payment
20. Property APN: 4458-018-002, 018, 019  
City Negotiator: City Manager Lichtig or designee  
Property Negotiator: Roy E. Crummer  
Under Negotiation: Price and terms of payment
21. Property APN: 4458-022-019 and 4458-021-003  
City Negotiator: City Manager Lichtig or designee  
Property Negotiator: Wave Property Inc.  
Under Negotiation: Price and terms of payment
22. Property APN: 4472-027-901 & 902; 4472-028-901 & 902; 4473-005-901 & 902; 4473-006-900  
Property Negotiator: City Manager Lichtig or designee  
Buyer Negotiator: State of California / Santa Monica Mountains Conservancy  
Under Negotiation: Price and terms of payment
23. Property located at: 23801 and 23833 Stuart Ranch Road  
City Negotiator: City Manager Lichtig or designee  
Property Negotiator: Yamaguchi Tokiye Trust  
Under Negotiation: Price and terms of payment

City Attorney Hogin reported that the Council discussed several but not all items listed on the Closed Session agenda and took no reportable action.

She reported that, at the City Council's direction, she had contacted the Coastal Commission to inquire as to whether the Commission would enter into a cooperative agreement whereby the City may issue Coastal Development Permits while any appeal to the lawsuit involving the referendum of the LCP is pending. She reported that she was informed that under no circumstances would the Coastal Commission enter into a cooperative agreement with City of Malibu. She further reported that the City may seek an order with the Superior Court enabling the City to issue the permits without prejudicing the City's appeal rights.

## APPROVAL OF AGENDA

Councilmember Stern requested moving Item 5.A. to be heard prior to Item 3.

City Manager Lichtig proposed Item 4.B. be continued to July 14, 2003 to give staff the opportunity to explore language options that might fully address conflicts between the General Plan and Zoning Ordinance.

## MOTION

Councilmember House moved and Councilmember Stern seconded a motion to approve the agenda with Item 4.B. continued to July 14, 2003, Item 4.C. continued to June 23, 2003 and Item 5.A. moved to be heard before Item 3. The motion carried unanimously.

## REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on May 16, 2003, with the amended agenda posted on May 23, 2003.

## ITEM 1 CEREMONIAL/PRESENTATIONS

None.

## ITEM 2A. PUBLIC COMMENTS

David Visser addressed the Council regarding litigation related to the City's Local Coastal Program.

Kay Furgurson discussed the City's fee for Coastal Development Permits and requested the Council reconsider the increase.

Dermot Stoker, President of Malibu West Homeowners Association, discussed the influx of day laborers at Trancas Market. He questioned whether it was illegal to solicit work from anywhere other than the Labor Exchange. He requested the Council provide direction to the Sheriff's Department regarding enforcement.

Norm Haynie requested staff obtain scientific evidence related to AB947 (sea walls).

John Mazza suggested the Council fund a traffic study for the City of Malibu to study the effects of population and z-traffic on Pacific Coast Highway.

Harold Greene, Native American Cultural Resources Advisory Committee (NACRAC), presented the committee's budget request.

B. COUNCIL COMMENTS

In response to Mayor Kearsley, City Manager Lichtig explained the Coastal Development Permit fees recently approved by the City Council. She explained that the City was not in a position to subsidize the processing of permits. Mayor Kearsley discussed the cost of processing permits.

Mayor Pro Tem Barovsky stated Mr. Mondragon, Labor Exchange, has gone to Point Dume and Trancas to inform the day laborers of the Labor Exchange. In response to Mayor Pro Tem Barovsky, City Attorney Hogin explained the purpose of the Labor Exchange. She further explained the challenge over the constitutionality of preventing labor exchange at alternate locations. Mayor Pro Tem Barovsky suggested an annex to the Labor Exchange be established on the west end of Malibu.

Councilmember House discussed the City's ordinance prohibiting hiring of day laborers from a vehicle. She stated it might be necessary to inform contractors and residents. She requested the City Manager direct the Sheriff's Department to enforce labor exchange at alternate locations. City Manager Lichtig stated she would discuss the matter with the Sheriff's Department and Contractor's Association.

Councilmember Jennings requested feedback from the Sheriff's Department as to what they needed as far as direction from the Council regarding enforcement of day laborers.

Mayor Kearsley suggested Mr. Haynie spearhead a scientific study regarding AB 947.

Councilmember Jennings discussed Beaches and Harbors efforts related to providing scientific evidence on AB 947.

Councilmember House suggested the City obtain a copy of the Las Virgenes – Malibu Council of Government (COG) Z-traffic Study for review by the appropriate City Commission. City Manager Lichtig explained that the study was not yet completed but she would provide the study to the Public Safety Commission as soon as it was available.

Councilmember House indicated the Administration and Finance Subcommittee met to discuss the General Fund Grants. She stated she and Councilmember Jennings met with Planning staff to provide a historical perspective on the City's mission and vision. She stated she and Mayor Pro Tem Barovsky met with Heal the Bay. She indicated that she and Councilmember Jennings met with Sheriff Baca regarding Bluffs Park. She stated she presented the City's commendation to Msgr. Sheridan at his 60<sup>th</sup> Ordination Anniversary.

Councilmember Stern discussed the fee for Coastal Development Permits. He stated he attended Msgr. Sheridan's Anniversary celebration.

Councilmember Jennings stated Msgr. Sheridan's celebration was a nice event.

Councilmember House announced the Music Show Matinee at the Malibu Senior Center at which the children from Point Dume Marine Science Elementary School would be performing. She discussed upcoming Summer recreation programs available through the City's Parks and Recreation Department.

Councilmember Jennings discussed the Court's ruling regarding the Local Coastal Program. He discussed the Malibu citizen's right to referendum. He discussed the increase for Coastal Development Permit fees.

Mayor Kearsley discussed the success of the Senior Center.

ITEM 5        OLD BUSINESS

A.        Safe Route to School Grant Application

Staff recommendation: Consider the submittal of an application for grant funds under the Safe Routes to School (SR2S) construction program funded through Assembly Bill 1475.

Acting City Engineer Sanchez presented the staff report.

Steve Uhring deferred his time to John Mazza.

John Mazza expressed concern regarding construction of the proposed routes. He stated the ability to park would be eliminated due to the installation of curbs. He suggested using the existing shoulders to install sidewalks. He stated the Public Safety Commission should review the proposal.

Ryan Embree stated the consequences needed to be reviewed by a traffic engineer. He expressed concern regarding the width of the street. He requested the Public Safety Commission review the matter.

Charleen Kabrin stated the matter needed additional study and design review.

Marlene Matlow asked why the Public Safety Commission had not reviewed the Safe Routes to School proposal. She discussed the recent meeting of the Point Dume Community Association at which the proposal was discussed. She suggested the Public Safety Commission and Point Dume Community Association work with the school safety committee to review the proposal.

Judy Decker stated the Point Dume Community Association should have had the opportunity to review the proposal and provide its opinion. She discussed the Point Dume Community Association's involvement in issues on the Point. She discussed suggestions provided at a recent meeting with City staff. She requested the Council schedule a joint meeting between the Malibu Public Safety

Commission and Public Works Commission to be held at the Point Dume Community Association auditorium.

Deborah Kramer discussed the importance of pedestrian and traffic safety on Point Dume. She discussed support for the proposal. She stated the matter before the Council was a grant proposal and necessary first step.

Pete Anthony stated the grant proposal was based on a request of Point Dume residents. He explained that the grant funds were available on a limited basis. He explained that the opportunity for public comment would be available during development of project details. He thanked staff for their time and responses to questions. He suggested residents review the successful Morning View project. He stated there was tremendous support for a solution including a pathway.

Evan Anthony indicated support for the grant proposal due to the need for safe paths to walk to school.

Elizabeth Anthony discussed the need to address the pedestrian safety problem on the Point. She urged the Council to vote in favor of proceeding with the grant application.

William Buckley indicated support for a safe pedestrian route on Point Dume. He discussed the trail system that previously existed on the Point.

Denise Peak expressed concern regarding pedestrian safety on Point Dume. She stated she would feel more comfortable if there were pathways for pedestrians. She read a letter from Kim Scott indicating support for the grant proposal.

Cynthia Christiansen indicated support for the grant proposal. She discussed the need to enforce traffic around schools.

Dusty Peak read a letter from Marvin and Mary Galvin indicating support for the proposed "sidewalks." He discussed the need to improve pedestrian safety, reduce speeding and provide walkways on the Point. He urged the Council to support the grant submittal.

Mayor Pro Tem Barovsky explained that the City would be applying for funds, and if funds were received, would then hold joint meetings with the Public Safety and Public Works Commissions, and meetings with the community associations. City Manager Lichtig stated postcard notices would be provided to residents of the Point. Mayor Pro Tem Barovsky asked if Mr. Mazza's suggestion could be studied. Maintenance Manager Calvin stated staff was willing to work with the community within the constraints of the Council decision. Mayor Pro Tem Barovsky asked if the grant allowed only one type of plan. Maintenance Manager Calvin indicated staff could be creative within the grant parameters. Mayor Pro

Tem Barovsky indicated she would support the grant submittal. She also requested the property owner's work together.

Councilmember Stern concurred with Mayor Pro Tem Barovsky. He discussed the dangerous conditions for pedestrians on Dume Drive. He stated the grant submittal was the beginning of the process. He indicated support for the grant application. He encouraged Point Dume residents to work together to make the Point safer.

Councilmember House explained that the City was merely applying for a grant. She discussed the current easement on the Point. Maintenance Manager Calvin stated the project was not designed but he felt parking could be maintained along with installation of a pathway. Councilmember House discussed the need for pedestrian safety on the Point. She indicated support for applying for the grant.

Councilmember Jennings indicated support for the grant submittal. He discussed the previous trail system in Malibu. He indicated support for decomposed granite pathways. He discussed the decomposed granite pathway on Morning View Drive.

Mayor Kearsley encouraged residents to walk their children to school. He indicated support for the Safe Routes to School grant application.

#### MOTION

Councilmember House moved and Councilmember Stern seconded a motion to direct staff to submit an application for grant funds under the Safe Routes to School (SR2S) construction program funded through Assembly Bill 1475. The question was called and the motion carried unanimously.

#### ITEM 3      CONSENT CALENDAR

#### MOTION

Mayor Pro Tem Barovsky moved and Councilmember Stern seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A.    Previously Discussed Items

B.    New Items

1.    Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2.    Approve Warrants



Staff recommendation: To allow and approve warrant demand numbers 21972 through 22070 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 284 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$633,765.98. ADP payroll voucher numbers 3467099 – 3467112 were issued in the amount of \$101,390.52.

3. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes for the Regular City Council meetings held on February 10, 2003 and April 14, 2003 and the Special City Council meeting held on April 12, 2003.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Negative Declaration No. 03-001/General Plan Amendment No. 03-001/Zoning Text Amendment No. 03-001/Zoning Map Amendment No. 03-001/Tentative Tract Map No. 02-001/and Plot Plan Review No. 02-020 – An application for construction of an 8-unit condominium development in the Multi-Family (MF) zone on property located at 22065 Pacific Coast Highway. APPLICANT: Marc Annotti, DS Ventures, LLC; OWNER: Marc Annotti, DS Ventures, LLC; LOCATION: 22065 Pacific Coast Highway; SITE ACREAGE: 3.15 Acres; ZONING: Multi-Family (MF); SETTLEMENT: Gerald E. Gibbs, Jennifer L. Gibbs, Michael Nielson, and Brenda Nielson and the City of Malibu

Staff recommendation: 1) Adopt Resolution 03-23, a resolution of the City Council of the City of Malibu approving Negative Declaration No. 03-001; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 246, an ordinance amending Title 17 of the Malibu Municipal Code and amending the Zoning Map; and 3) Adopt Resolution No. 03-24, a resolution of the City Council of the City of Malibu approving Tentative Tract Map No. 02-001 and Plot Plan Review No. 02-020.

Associate Planner Beebe presented the staff report.

Marc Annotti, applicant, concurred with the staff recommendation. He indicated he was available to respond to questions.

The Council indicated they had no information to disclose.

Mayor Pro Tem Barovsky discussed the Planning Commission's deliberations on the matter. She indicated support for the project.

Councilmember House suggested a condition be added requiring the applicant to recycle construction materials and to provide for onsite collection of recyclables.

Mayor Kearsley indicated support for the project.

MOTION

Mayor Kearsley moved and Councilmember Jennings seconded a motion to 1) adopt Resolution 03-23, a resolution of the City Council of the City of Malibu approving Negative Declaration No. 03-001; 2) introduce on first reading Ordinance No. 246, an ordinance amending Title 17 of the Malibu Municipal Code and amending the Zoning Map; and 3) adopt Resolution No. 03-24, a resolution of the City Council of the City of Malibu approving Tentative Tract Map No. 02-001 and Plot Plan Review No. 02-020, amended to include conditions requiring recycling of construction materials and providing for on-site recycling for occupants. The question was called and the motion carried unanimously.

- B. Zoning Text Amendment No. 01-005 - A request to amend Malibu Municipal Code Section 17.40.080.A.7 clarifying the requirements for the off-site treatment/disposal of wastewater on commercial sites.  
Appeal No. 03-001 – An appeal of the Planning Commission’s denial of Conditional Use Permit No. 01-005, Site Plan Review No. 02-035, and Negative Declaration No. 01-012, requesting a conditional use permit for the off-site treatment of wastewater, for construction exceeding 500 square feet in a commercial zone, and to construct above 18’-0” but not to exceed 28’-0” in height for the construction of a new, 1,900 square foot wastewater treatment facility in the Community Commercial zone. Appellant: David Reznick; Applicant: Malibu Bay Company; Property Owner: Malibu Bay Company; Location: North east corner of Stuart Ranch Road and Civic Center Way  
Staff recommendation: Deny Zoning Text Amendment No. 01-005 and reaffirm the Planning Commission’s decision to deny Mitigated Negative Declaration No. 01-012, Conditional Use Permit No. 01-005 and Site Plan Review No. 02-035, and direct staff to prepare a resolution that reflects this decision.

This item was continued to July 14, 2003 upon approval of the agenda.

- C. APPEAL OF THE PLANNING COMMISSION’S NEGATIVE RECOMMENDATION TO THE CITY COUNCIL ON A PROPOSED DEVELOPMENT AGREEMENT FOR THE PROPOSED WINDSAIL RESTAURANT to allow for an increase in the allowable Floor Area Ratio (FAR) from .15 to .20 as permitted by the City General Plan, in exchange for public benefit – The proposed project consists of an application to reconstruct the former Windsail Restaurant into a new 9,555 square foot restaurant and day spa facility. In addition to the requested Development Agreement, the application includes requests for an amendment to the General Plan Land Use Map and Zoning Map from Multi-Family Residential (MF) to Visitor Serving Commercial (CV); a Conditional Use Permit for a restaurant and bar facility; a Variance to allow parking in the front yard setback area; a Variance for a reduction in the amount of required landscaping; and a Demolition Permit to tear down the existing 7,500 square foot restaurant building. APPELLANT: Weintraub Financial; OWNER: Weintraub Financial; LOCATION: 22706 Pacific Coast Highway; SITE ACREAGE: 1.11 Acres; ZONING: Existing: Multi-Family Residential; Proposed: Commercial Visitor Serving (CV-1)

Staff recommendation: Continue to June 23, 2003.

This item was continued to June 23, 2003 upon approval of the agenda.

RECESS Mayor Kearsley called a recess at 8:12 p.m. The meeting reconvened at 8:21 p.m. with all Councilmembers present.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

A. Consideration of Direction to Staff to Prepare an Ordinance banning Onychectomy (Declawing) and Flexor Tendonectomy Procedures within the City (Councilmember House) (Continued from May 12, 2003)

Staff Recommendation: Direct staff as deemed appropriate.

- 1) If the Council determines that a ban on declawing is necessary within the City of Malibu, direct staff to prepare an ordinance for introduction and first reading at a future City Council meeting: OR
- 2) If the Council determines to not adopt an ordinance banning declawing, take no action.

Councilmember House presented the report and introduced Jennifer Conrad, veterinarian. Ms. Conrad explained the process of declawing and indicated opposition to declawing.

Buddy Hackett discussed the declawing of a brown bear and its effect on his paws. He indicated support for an ordinance banning declawing.

Jim Jensvold requested the Council consider a ban on declawing. He stated declawing by laser was still amputation.

Mark Nunez, representing the California Medical Veterinarian Association, expressed opposition to a ban on declawing cats.

Taimie Bryant discussed pet adoption. She urged the Council to ban the procedure of declawing. She stated a ban should include an exception for medical necessity and be enforced on animal owners and veterinarians.

Jennifer Conrad addressed the Council in support of a ban on declawing. She presented alternatives to declawing.

Shirley Feron indicated support for a ban on declawing.

Ann Walther indicated opposition to declawing.

C.M. Leon concurred with the previous speakers in opposition to declawing.

Mollie Hogan, cat trainer, discussed declawing of large cats. She discussed methods of training cats to not use their claws. She stated declawing was inhuman.

William Barrett addressed the Council in opposition to declawing.

Sheree Stern, veterinarian, indicated she discourages declawing. She urged Malibu to ban declawing.

Gretchen Becker, Malibu Animal Hospital, discussed the cruelty of declawing.

Maria Petersen discussed behavioral changes in declawed cats. She urged the Council to consider a ban on declawing.

Patricia Barer addressed the Council in opposition to declawing. She urged Malibu to adopt a ban on declawing.

Alyssa Silver discussed her experience with a difficult pet cat. She stated there was no justification for declawing.

Councilmember Jennings stated it was necessary to determine whether the Council could ban declawing. He stated it was necessary to consider the rights and wrongs of the situation. He stated he had previously suggested the matter be placed on the Council's Quarterly agenda to assign a staff member to review the matter. He stated it was necessary to hear both sides of the matter. He stated it was necessary to determine if declawing was a problem within the City of Malibu. He questioned whether a ban was enforceable. He stated he did not see how a ban within the City of Malibu would be effective in solving the problem. He suggested the Council adopt a resolution advocating a law that would prohibit declawing within the State of California. He indicated he would not support adoption of an ordinance banning declawing.

Mayor Pro Tem Barovsky concurred with Councilmember Jennings. She discussed veterinarians in Malibu. She stated laws should not be symbolic. She stated she could support a resolution to send to the State legislature and to local veterinarians indicating the Council's opposition to declawing procedures except when medically necessary.

Councilmember House read excerpts from the letter written by the California Veterinary Medical Association (CVMA). She indicated support for directing

staff to write an ordinance banning declawing. She stated government had to send a message.

Mayor Pro Tem Barovsky stated the Council should not pass a law that could not be enforced. She indicated support for a resolution.

Councilmember Stern concurred with Mayor Pro Tem Barovsky and Councilmember Jennings.

Mayor Kearsley discussed the horrors of declawing. He discussed the need to educate cat owners. He indicated support for a resolution indicating the Council's position on declawing and an ordinance requiring pet owners to view a videotape and sign a consent indicating their understanding of the procedure prior to having their pet declawed.

#### MOTION

Councilmember House moved to direct staff to prepare an ordinance banning onychectomy (declawing) and flexor tendonectomy procedures within the City of Malibu for introduction and first reading at a future City Council meeting. The motion died due to lack of a second.

#### MOTION

Mayor Pro Tem Barovsky moved and Councilmember Jennings seconded a motion to direct staff to prepare a resolution indicating the City's opposition to declawing to be sent to the State legislature. The question was called and the motion carried unanimously.

#### MOTION

Mayor Kearsley moved and Mayor Pro Tem Barovsky seconded a motion to direct staff to bring back information at the next Quarterly City Council meeting on possible means to require an informational video to be shown and a signed informed consent completed by any pet owner requesting declawing prior to the procedure occurring.

In response to Mayor Kearsley, Ms. Conrad indicated education was very important but pet owners were not interested in being educated rather they wanted expedient solutions.

Mayor Pro Tem Barovsky questioned whether residents would just travel to another City to have declawing done if Malibu passed a law banning declawing.

Ms. Conrad stated education was important but a law would be taken seriously. She urged the Council to pass a law.

In response to Mayor Kearsley, Mr. Nunez disagreed that education would not be beneficial. He stated CVMA would help in creating a video.

The motion carried 4-1, Councilmember Stern dissenting.

- B. AB 974: A Measure Designed to Expand the Authority of the California Coastal Commission to include Identification and Protection of Sacred Sites or Significant Native American Cultural Resources in the Coastal Zone (Mayor Kearsley)  
Staff recommendation: Authorize a letter to be prepared for the Mayor's signature in opposition of Assembly Bill 974, a measure designed to expand the authority of the California Coastal Commission to include identification and protection of sacred sites or significant Native American cultural resources.

Mayor Kearsley presented the report.

Harold Greene, Native American Cultural Resources Advisory Committee (NACRAC), indicated the committee had reviewed AB974 and recommended the City take a position to actively oppose the bill.

Charlie Cooke discussed his involvement in Native American education in Malibu. He stated the City needed to protect cultural resources. He urged the Council to support AB974 and the Native American Cultural Resources Heritage Commission.

Mayor Kearsley discussed the City's support and preservation of Native American resources. He discussed his involvement in archeological digs in Malibu. He stated he was an advocate for preserving sites. He stated AB974 puts all control in the Coastal Commission. He stated it was necessary to retain local control. He indicated support for opposing AB974.

Councilmember Stern concurred with Mayor Kearsley.

#### MOTION

Councilmember Jennings moved and Councilmember Stern seconded a motion to authorize a letter to be prepared for the Mayor's signature in opposition of Assembly Bill 974, a measure designed to expand the authority of the California Coastal Commission to include identification and protection of sacred sites or significant Native American cultural resources. The question was called and the motion carried unanimously.

- C. Consideration of Hearing Schedule for Malibu Bay Company Development Agreement and Associated Actions (Mayor Kearsley)  
Staff recommendation: Consider proposed hearing schedule for the Malibu Bay Company Development Agreement and associated actions.

City Manager Lichtig presented the staff report.

By affirmation, the Council approved the proposed schedule.

ADJOURN     At 9:42 p.m., Councilmember House moved and Councilmember Stern seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of the City of Malibu  
on June 23, 2003.

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KENNETH KEARSLEY, Mayor

ATTEST:

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LISA POPE, City Clerk  
(seal)